

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re Earline Turner Green
Debtor**

**Case No. 05-39603-DOT
Chapter 13**

NOTICE OF MOTION TO APPROVE SETTLEMENT AND COMPROMISE

The above named Debtor has filed a Motion to Approve Settlement and Compromise pursuant to Federal Rule of Bankruptcy Procedure 9019.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one.

NOTICE IS HEREBY GIVEN THAT A HEARING ON THIS MOTION WILL BE HELD AT THE UNITED STATES BANKRUPTCY COURT, U.S. COURTHOUSE ANNEX, ROOM 335, 1100 EAST MAIN STREET, RICHMOND, VIRGINIA, ON October 31, 2007, at 11:30 a.m.

If you want to be heard on this matter, then on or before 5 business days from the date of the hearing, you or your attorney must:

File with the court, at the address below, a written response pursuant to Local Rule 9013-1(H). If you mail your response to the Court for filing, you must mail it early enough so that the Court will **receive** it on or before the date stated above.

1. Clerk of Court
United States Bankruptcy Court
1100 East Main Street
Richmond, VA 23219

Julia Adair (VSB #45130)
Laura Taylor Alridge (VSB #42549)
G. Russell Boleman III (VSB #32484)
John R. Bollinger (VSB #46672)
James M. Flaherty (VSB #68148)
Deanna Hathaway (VSB #44150)
Patrick T. Keith (VSB #48446)
Mark C. Leffler (VSB #40712)
Stuart C. Salmon (VSB# 68617)
Sharon Choi Stuart (VSB #45026)
Suzanne E. Wade (VSB #31868)
Boleman Law Firm, P.C.
2104 W. Laburnum Avenue, Suite 201
P.O. Box 11588
Richmond, Virginia 23230-1588
Telephone (804) 358-9900
Counsel for Debtor

2. You must also mail a copy to:

Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

Dated: October 11, 2007

BOLEMAN LAW FIRM, P.C.
Counsel for Debtor

By: /s/Julia B. Adair
Julia Adair (VSB #45130)
Laura Taylor Alridge (VSB #42549)
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Telephone (804) 358-9900
Counsel for Debtor

CERTIFICATE OF SERVICE

I certify that on October 11, 2007, a copy of this Notice of Motion has been mailed via first class mail to the debtor, the Office of the U.S. Trustee, the Standing Chapter 13 Trustee, all creditors, and the following:

Keith L. Phillips, Esquire
Phillips & Fleckenstein, P.C.
311 South Boulevard
Richmond, VA 23220
Counsel for May Lily Lee

/s/ Julia B. Adair
Counsel for Debtor

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Richmond Division**

**In re Earline Turner Green
Debtor**

**Case No. 05-39603-DOT
Chapter 13**

MOTION TO APPROVE SETTLEMENT AND COMPROMISE

COMES NOW the Debtor, by counsel, and files this Motion to Approve Settlement and Compromise pursuant to 11 U.S.C. §§ 364(a) and 1304(b), Federal Rules of Bankruptcy Procedure Rules 4001(c), 9014 and 9019 and Local Bankruptcy Rules 9013-1. In support thereof, Debtor respectfully states the following:

Jurisdiction

1. This Court has exclusive jurisdiction over this matter pursuant to 28 U.S.C. § 1334.
2. This proceeding is a core proceeding under 28 U.S.C. §157(b)(2)(A), (B), (K), and (O).
3. Venue is proper pursuant to 28 U.S.C. §1409.
4. The Debtors have standing to bring this action pursuant to 11 U.S.C. §§ 1303 and 363.

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Counsel for Debtor

Facts

5. On October 6, 2005 Debtor Earline Turner Green, (hereinafter the “Debtor”), filed for an order for relief under Chapter 13 of the Bankruptcy Code protection pursuant to 11 U.S.C. § 101 et seq. (the “Petition Date”).

6. The Chapter 13 plan, filed June 4, 2007, (the “Plan”), has been confirmed by this Court.

7. The Plan requires Debtors to pay the Chapter 13 Trustee 60 monthly payments for a total funding of \$20,340.00.

8. At the end of Debtor’s first Chapter 13, her home was in foreclosure. May-Lily Lee and Debtor entered into a purchase contract. The contract provided for Lee (“Lee”) to pay sufficient funds to Debtor’s mortgage company to reinstate the mortgage and stop the foreclosure, and it provided a period of time in which the Debtor could “buy back” her home or find alternative housing. The contract provided that Debtor would deed the real property to Lee, who took title subject to the mortgage.

9. Debtor’s initial Chapter 13 plan filed in the instant case, did not list an ownership interest in the home as title was thought to have passed to Lee.

10. Lee, however, did not record the deed. Nonetheless, Lee objected to the initial plan asserting an ownership interest in Debtor’s real property on the basis of a constructive trust. Over the course of several months, Debtor and Lee, with counsel, negotiated the amount to be paid to Lee and the means of repayment.

11. The parties have now reached a settlement agreement and seek the Court’s authorization to allow Debtor to pay Lee’s claim directly and to secure such claim by a deed of trust. The Note and Deed of Trust are attached hereto at Exhibits A

and B respectively.

12. Debtor owns the real estate commonly known as 5231 Weatherford Road, in Richmond, Virginia 23224 (the "Real Property"). A copy of the legal description is as follows:

All that certain lot, piece or parcel of land with all improvements thereon and appurtenances thereunto belonging, lying and being in the City of Richmond and State of Virginia, all as shown on the following plat, a copy of which is attached to and recorded with that certain deed of record in Deed Book 183 at page 1195 in the Clerk's Office of the Circuit Court for the City of Richmond, Virginia, to which plat reference is hereby made for a more particular description of the property herein described. Subject to all easements, conditions, restrictions and reservations appearing of record which affect said property.

13. Upon information and belief, the Real Property is encumbered by a first deed of trust in favor of Select Portfolio Servicing, Inc.

14. Debtor seeks authorization to incur a second deed of trust in favor of May Lily Lee in the amount of \$16,488.41 payable with an interest rate of six percent (6%). Such amount represents the amount paid by Lee to Select Portfolio Servicing, Inc. to reinstate the first deed of trust as well as two subsequent payments.

15. Debtor agrees to pay Lee \$300.00 a month until the earlier of the full satisfaction of the Note, or February 28, 2013. Lee will record a lien release within five days of the payoff of the lien.

16. Debtor seeks permission from the Court to authorize the acquisition of the additional indebtedness and to approve the settlement reached herein.

17. Debtor avers that the settlement obtained is the best settlement that the Debtor could obtain under the circumstances. The settlement resolves objections filed herein by Lee to each of the four modified plans submitted by Debtor. The settlement also conforms to the language in Debtor's confirmed plan requiring Debtor to seek court authorization to pay Lee directly in the monthly amount of \$300.00.

WHEREFORE, Debtor, by counsel, respectfully requests this Honorable Court to approve the Motion and for such other and further relief as the Court deems proper.

Respectfully submitted,
Earline Turner Green

By: /s/Julia B. Adair
Julia Adair (VSB #45130)
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Keith L. Phillips, Esquire
Phillips & Fleckenstein, P.C.
311 South Boulevard
Richmond, VA 23220
Counsel for May-Lily Lee

/s/ Julia B. Adair
Counsel for Debtor

Office of the US Trustee
600 East Main Street
Suite 301
Richmond, VA 23219

Alltel
P.O. Box 8807
Little Rock, AR 72231

Brice, Vander Linden & Wernick
P.O. Box 829009
Dallas, TX 75382-9009

Capital One Bank
PO BOX 85147
Richmond, VA 23276

Capital Recovery Service
RE:VA Emergency Physicians
P.O. Box 1170
Fairfax, VA 22030-1170

Cawthorn & Picard, PC
Re:Chippenham/JW Hospital
8310 Midlothian Turnpike
Richmond, VA 23235

Chippenham/JW Hospitals
Attn: Bankruptcy Dept.
P.O. Box 13620
Richmond, VA 23225

Chrysler Financial
Attn: Bankruptcy Dept
P.O. Box 9300
Columbia, MD 21046

Citifinancial
8245 Hull Street Road
Richmond, VA 23235

City of Richmond
Dept. of Finance/ Tax Enforce.
900 E. Broad St., Room 100
Richmond, VA 23219

County of Chesterfield
Treasurer
P.O. Box 40
Chesterfield, VA 23832

Dillard
P.O. Box 52005
Phoenix, AZ 85072

Forest Hill Family Practice
Re: Bankruptcy
4405 Forest Hill Avenue
Richmond, VA 23225

GEMB/JCP
Re: Bankruptcy
P.O. Box 981402
El Paso, TX 79998

Heilig Meyers
Claims Administrator
P.O. Box 3240
Portland, OR 97208-3240

Husch & Eppenberger, LLC
200 Jefferson Ave.
Suite 1450
Memphis, TN 38103

May-Lily Lee
1721 Oakdale Avenue
Richmond, VA 23227

Miller & Clark
RE: SPS
19732 MacArthur Boulevard
Irvine, CA 92612

NTelos/Primeco
Attn: Bankruptcy Department
P.O. Box 580423
Charlotte, NC 28258-0423

Park Dansan
RE: Ntelos Wireless
P.O. Box 248
Gastonia, NC 28053

Patient First
Attn: Bankruptcy Dept
P O Box 85080
Richmond, VA 23285-4000

Radiology Associates
of Richmond, Inc.
P.O. Box 13343
Richmond, VA 23225

Ramona Evans
5231 Weatherford Rd
Richmond, VA 23224

Receivables Management Systems
Re: Patient First
P.O. Box 8630
Richmond, VA 23226

Sears
RE: Bankruptcy
133200 Smith Road
Cleveland, OH 44130

Select Portfolio Servicing, In
Re: Bankruptcy
P.O. Box 551170
Jacksonville, FL 32255-1170

Select Portfolio/ SPS
Re: Bankruptcy
1270 Northland Drive Suite 200
Saint Paul, MN 55120

Select Portfolio/ SPS
3815 South West Temple St
Salt Lake City, UT 84115-4412

United Consumers, Inc.
RE:Bankruptcy
P.O. Box 4466
Woodbridge, VA 22194

Van Ru Credit
Re: Bankruptcy
10024 Skokie Blvd
Skokie, IL 60077

Verizon
RE: Bankruptcy
P.O. Box 17577
Baltimore, MD 21297-0513

Virginia Emerg Physicians
Lock Box 4387
P.O. Box 85080
Richmond, VA 23285-5597

Virginia Eye Institute
Attn: Bankruptcy Dept
400 Westhampton Station
Richmond, VA 23226

Wittstadt & Wittstadt, PA
Re: SPS
7214 Holabird Avenue
Baltimore, MD 21222